

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

**UNITED STATES OF AMERICA,)
)
)
 Plaintiff,)
)
)
 v.) Case No. 09-CR-043-SPF
)
)
**LINDSEY KENT SPRINGER,)
OSCAR AMOS STILLEY,)
)
)
 Defendants.)****

**UNITED STATES' MOTION TO STRIKE DEFENDANT SPRINGER'S
AMENDED MOTION FOR RELEASE AND STAY OF EXECUTION OF
JUDGEMENT AND FOR BOND PENDING APPEAL (DOCKET NUMBER 345)**

The United States of America, by and through its attorneys, Thomas Scott Woodward, United States Attorney for the Northern District of Oklahoma, and Kenneth P. Snoke, Assistant United States Attorney, and Charles A. O'Reilly, Special Assistant United States Attorney, hereby moves to strike Defendant Springer's forty-eight-page Amended Motion for Release and Stay of Execution of Judgement and for Bond Pending Appeal (doc. no. 345). Defendant's amended motion, which supplements Defendant's Motion for Stay of Execution of Sentence and Release Pending Appeal (doc. no. 345), is filed in violation of the local rules of the United States District Court for the Northern

District of Oklahoma. Pursuant to ND LCR 1.2, LCvR7.2 applies to criminal cases. LCvR 7.2(c) provides that “No brief shall be submitted that is longer than twenty-five (25) typewritten pages without leave of Court. . . . Briefs exceeding fifteen (15) pages in length shall be accompanied by an indexed table of contents showing headings or sub-headings and an indexed table of statutes, rules, ordinances, cases and other authorities cited.” Defendant’s brief both exceeds the twenty-five-page limitation and fails to be accompanied by an indexed table of contents.

There is no excuse for Defendant’s persistent and insistent failure to comply with the rules governing lengths of filings with this Court. By previous motions filed by the United States in this case, the Defendant was apprised of the local rules regulating briefs (United States’ Consolidated Response to Defendants’ Motions to Suppress and for *Franks* Hearing, doc. no. 80:4 fn. 1; United States’ Motion to Strike, doc. no. 86; United States’ Motion to Strike Defendants’ Replies, doc. no. 259; United States’ Motion to Strike Defendant Springer’s Motion Stay All Orders Pending Ruling from Supreme Court Brief in Support and for Alternative , doc. no. 304). Furthermore, the Court previously ordered stricken several pleadings filed in this case for failure to comply with the local rules. *See* Order striking Defendants’ motions document numbers 259, 260, 261 and 263, doc. no. 264. Defendant Springer recently acknowledged that he understood the applicability of the local rules, stating that he “painstakingly [sic] makes every effort to

satisfy those pending rules until ordered by a higher court.” Defendant Springer’s Notice of Withdrawal of Motion for Stay Doc. No. 303 as Filed, doc. no. 305.

The United States therefore requests that the Court strike Defendant Springer’s Amended Motion for Release and Stay of Execution of Judgement and for Bond Pending Appeal (doc. no. 345).

Respectfully submitted,

THOMAS SCOTT WOODWARD
UNITED STATES ATTORNEY

/s Charles A. O'Reilly

CHARLES A. O'REILLY
Special Assistant United States Attorney
110 West Seventh Street, Suite 300
Tulsa, Oklahoma 74119
(918) 382-2700

CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of April 2010, I served the foregoing document by United States Postal Mail, and electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing, to the following ECF registrants:

Lindsey Kent Springer
Defendant
c/o David L. Moss Criminal Justice Center
300 N. Denver Ave Tulsa, OK 74103
Inmate Number: 1189797

Oscar Amos Stilley
Defendant
c/o David L. Moss Criminal Justice Center
300 N. Denver Ave Tulsa, OK 74103
Inmate Number: 1189798.

/s Charles A. O'Reilly

Charles A. O'Reilly
Special Assistant United States Attorney

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

**UNITED STATES OF AMERICA,)
)
)
 Plaintiff,)
)
)
 v.) Case No. 09-CR-043-SPF
)
)
**LINDSEY KENT SPRINGER,)
OSCAR AMOS STILLEY,)
)
 Defendants.)****

ORDER

Defendant Springer's Amended Motion for Release and Stay of Execution of
Judgement and for Bond Pending Appeal (doc. no. 345), is stricken for being filed in
violation of local rules.

DATED _____

STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE